AMENDED PETITION

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION No. 12/2005

PETITIONER

Cholesh Shanker Sahu
Aged about 26 years
S/O Shri R.B. Sahu
R/O C/O N.K. Rathore
Dayalband Chowk, front
Of Sub Post Office
Bilaspur (Chhattisgaqrh)

VERSUS

RESPONDENTS

1. State of Chhattisgarh
Through the Secretary
Department of Home
D.K.S. Bhavan, Mantralaya, Raipur
(Chhattisgarh)

2. Director General of
Police
State of Chhattisgarh
Raipur (Chhattisgarh)

3. Additional Director
General of Police
(Administration)
Police Headquarter
Chhattisgarh Raipur

4. Superintendent of Police
Bilaspur (Chhattisgarh)

VED-COPY
H.C.G. BIL

(5) (2)

5. Superintendent of Police
Durg (Chhattisgarh)

PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRITS OF CERTIORARI AND MANDAMUS AND FOR OTHER SUITABLE WRITS AND DIRECTIONS:

(104)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. No. 12 of 2004

Petitioner : Cholesh Shanker Sahu

Versus

Respondent : State of Chhattisgarh & others

Shri D. Shashidharan, Advocate for the petitioner.

Shri Arvind Dubey, Panel lawyer for the respondents.

ORDER

(Passed on 5th Day of January, 2007)

1. Learned counsel for the petitioner submits that in the examination held in September, 2003 for appointment on the post of Sub Inspector, the petitioner was declared successful in the written test. However, the petitioner was denied opportunity of facing the interview on the ground that the petitioner does not have the required height of 168 c.m. The petitioner was, thereafter, selected for appointment on the post of Constable wherein the requirement of the height was same i.e 168 c.m. On perusal of the Annexure R/2, filed by the respondent/State it appears that firstly the height was recorded as 168 c.m. in the column meant for recording the height, thereafter 167 has been inserted without any deletion or initial. This itself is indicative of the fact that the height was not properly verified. More so when the required height of 168 c.m. for appointment on the post of Constable has been found and the petitioner was appointed as Constable recording of the height in the Annexure R/2 appears to be doubtful. Thus, the denial of full process of selection to the petitioner further in physical verification test after his passing the written test successfully is arbitrary and unreasonable.

(105)

2. In view of the above, the petition is allowed and the respondents are directed to process the case of the petitioner after physical verification of the height for selection pursuant to the examination held on 11/12th September, 2003. If the petitioner is found successful and if the age of the petitioner was found within time on the date of holding of the examination, the same will not come in the way of consideration of the case of the petitioner and the petitioner is entitled to relaxation in age to that extent. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur